

REMARKS/ARGUMENTS

Claims 11 through 38 and 40 through 48 are presently pending. Claims 1 through 10 and 39 have been cancelled without prejudice or disclaimer. In an office action mailed February 11, 2004, (Paper No. 8), the drawings were objected to, allegedly because of Draftsperson's Review. Claim 25 was rejected under 35 U.S.C. 112 as allegedly being incomplete. Claims 1-8, 11-18, 21-24, 26-37 and 39 were rejected under 35 U.S.C. 102(b) as being anticipated by "Microsoft Windows NT Version 4.0 Device Driver Kit" by Microsoft (hereinafter "*Microsoft*"). Claims 9, 10, 19, 20, 25 and 38 were rejected under 35 U.S.C. 103(a) as being *Microsoft* and further in view of "NDIS Concepts" by 3TECH (hereinafter "*3TECH*"). These rejections are respectfully traversed.

Drawing rejections

The drawings stand rejected, allegedly because of Draftsperson's Review. However, it is noted that the PTO-948 has not been indicated as having been provided with the Office Action in the Office Action Summary, and no PTO-948 was provided with the Office Action. As such, it is impossible for the Applicant to provide amended drawings, as Applicant has no way of knowing what, if anything, was objected to by the Draftsperson. As Applicant has employed the services of a competent patent draftsperson, the Applicant is not able to understand what exactly is being objected to unless the PTO-948 is provided that identifies what exactly is being objected to. Applicant stands ready to correct the drawings when a PTO-948 is provided.

Rejections under 35 U.S.C. 112

Claim 25 stands rejected under 35 U.S.C. 112 as being incomplete for omitting essential structural cooperative elements, allegedly the message header to the message. This rejection is respectfully traversed.

Applicant does not understand the basis for the rejection, which appears to be that claim 19 includes a message with a message header. As claim 25 provides a limitation on the message header, and as it depends from claim 24 and not claim 19, it is not understood what the grounds for rejection is. Applicant further notes that claim 24 includes a plurality of messages, such that

the message header of claim 25 has ample support in the plurality of messages of claim 24. Additional clarification of this rejection is required.

Rejections under 35 U.S.C. 102

5 Claims 1-8, 11-18, 21-24, 26-37 and 39 were rejected under 35 U.S.C. 102(b) as being anticipated by "Microsoft Windows NT Version 4.0 Device Driver Kit" by Microsoft (hereinafter "*Microsoft*"). In particular, it is asserted that *Microsoft* discloses that a NIC driver is a non-miniport driver module at pg. 34-35 and pg. 24. This rejection is respectfully traversed.

Microsoft fails to provide a basis for the rejection of claims 11-18, 21-24, and 26-37
10 under 35 U.S.C. 102(b), because it fails to disclose each element of the claimed invention. For example, claim 11 includes a "communications driver comprising: a network driver interface; and a miniport driver coupled to the network driver interface, the miniport driver comprising: a system interface abstraction layer (SIAL) comprising: an operating system (OS) interface to process a plurality of messages for a plurality of internal driver entities; and a
15 message controller coupled to the OS interface to transfer the plurality of messages." Figure 2(a) of the specification discloses an exemplary NDIS miniport architecture, and Figure 2(b) of the specification discloses an exemplary NDIS miniport architecture with an SIAL. As such, the disclosed prior art that claim 11 is being rejected over has been distinguished over by the Applicant's own disclosure – by definition, the SIAL cannot be something that is present in
20 the prior art NDIS architecture. However, a clearer explanation is that the cited portions of *Microsoft* fail to disclose an operating system (OS) interface to process a plurality of messages for a plurality of internal driver entities, because they describe an OS. For example, consider page 3 of *Microsoft*: "This chapter provides a general description of the network architecture of Microsoft® Windows NT® and other Microsoft operating systems that support the Win32
25 interface as well as kernel-mode network drivers and their operating environment." As such, *Microsoft* discloses an *operating system*, not an *operating system interface*.

Claim 21 highlights this distinction. It provides a "communications card, the communications card comprising: a communications system driver comprising: a network driver interface; a miniport driver coupled to the network driver interface; and a system
30 interface abstraction layer (SIAL) coupled to the network driver interface and the miniport

driver, the SIAL comprising: an operating system (OS) interface for processing a plurality of messages to and from a plurality of entities internal to the OS; and a message controller coupled to the OS interface for translating the messages and routing the message to and from an entity external to the OS." As such, it is simply not possible for the cited section of *Microsoft*, which describe the attributes of an OS, to encompass the attributes of a communications card that interfaces with the OS. Perhaps it would be helpful if the Examiner kept in mind that there are many other operating systems besides the NDIS Microsoft operating system described in the reference, and that the claimed invention is not limited to NDIS-compatible systems, as described in the specification.

Likewise, claim 39, while cancelled without prejudice or disclaimer, also highlights the distinction. Claim 39 included that the "external driver entity is a non-miniport driver module," to which it was asserted that the "(NIC driver) is a non-miniport driver module (pg. 34-35; and pg 24). However, *Microsoft* notes at page 9 that "Miniport NIC drivers . . . implement the hardware-specific operations necessary to manage a NIC," and that "Full NIC legacy drivers . . . have been written to perform both hardware-specific operations and all the synchronization and queuing operations usually done by NDIS." How can a miniport NIC driver, which is presumably a miniport driver module, implement the hardware-specific operations necessary to manage a NIC, but a full NIC legacy driver, which includes the functionality of a miniport NIC driver plus additional functionality, be a non-miniport driver module? It can't.

In order to clarify this difference between the admitted prior art, claim 30 has been amended to include a "communications driver comprising: a network driver interface; and a driver system interface comprising: an external interface to communicate with one or more non-NDIS compatible external driver entities; and an internal interface to communicate with one or more NDIS-compatible internal driver entities. The Applicant believes that the pending claims are each allowable over the cited art, but has presented the amendments to claim 30, as well as new claims 40-48, in an effort to clarify not only the distinctions between the prior art and the unamended claims but also other useful and novel features.

Rejections under 35 U.S.C. 103

The rejections under 35 U.S.C. 103 are believed to be improper on the basis that *Microsoft* fails to disclose each element of the claimed invention, and as each of the claims rejected under 35 U.S.C. 103 depends from a claim that was rejected over *Microsoft* under 35 U.S.C. 102, the rejection under 35 U.S.C. 103 in combination with *3TECH* fails to disclose each element of the claimed invention.

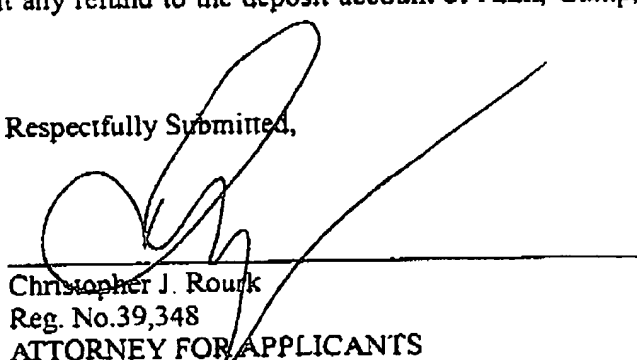
CONCLUSION

In view of the foregoing remarks and for various other reasons readily apparent, Applicants submit that all of the claims now present are allowable, and withdrawal of the
5 rejections and a Notice of Allowance are courteously solicited.

If any impediment to the allowance of the claims remains after consideration of this amendment, a telephone interview with the undersigned at (214) 969-4669 is hereby requested so that such impediments may be resolved as expeditiously as possible.

As the no-fee deadline for responding to this office action was June 11, 2004, and the
10 U.S. Patent Office was closed on that date in observance of Ronald Reagan's state funeral, this response is timely filed on June 14, 2004 within the period for a one-month extension of time. No additional fee beyond the fee of \$110 for the one-month extension is believed to be required with this response. If any applicable fee or refund has been overlooked, the Commissioner is hereby authorized to charge any fee or credit any refund to the deposit account of Akin, Gump,
15 Strauss, Hauer & Feld, L.L.P., No. 01-0657.

Respectfully Submitted,



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Date: June 14, 2004
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